

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** City Development Department, Planning Division

**AGENDA DATE:** Introduction: May 28, 2013  
Public Hearing: June 18, 2013

**CONTACT PERSON/PHONE:** Alex Hoffman, (915) 541-4638, [hoffmanap@elpasotexas.gov](mailto:hoffmanap@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** 2

**SUBJECT:**

An Ordinance changing the zoning of Parcel 1: Lots 1-2 and 4-5, Block 1, Del Mesa Additions, City of El Paso, El Paso County, Texas from C-2 (Commercial) to G-MU (General Mixed Use); Parcel 2: A portion of Tract 4-C-1, Morehead Survey, City of El Paso, El Paso County, Texas from C-2/SP (Commercial/special permit) to G-MU (General Mixed Use); Parcel 3: A portion of 4-C-1, Morehead Survey, City of El Paso, El Paso County, Texas R-4/SP (Residential/special permit) to G-MU (General Mixed Use); Parcel 4: Lots 1-2, Block 1, V.A.L. Tract, City of El Paso, El Paso County, Texas from C-1/C/SP (Commercial/condition/special permit) to G-MU (General Mixed Use) and approving a master zoning plan. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Parcel 1: 5305 and 5331 Montana Avenue, Parcel 2: 1015 Chelsea Street, Parcel 3: 1012 Cardon Street, and Parcel 4: 1039 Chelsea Street. Property Owner: Chicos Tacos, Inc., Mora Holdings, LLC, Johanna Welsh Estate, and Omega Paving Contractors, Inc. PZRZ12-00044 (**District 2**). **THIS IS AN APPEAL CASE.**

**BACKGROUND / DISCUSSION:**

See attached.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

City Plan Commission (CPC) – Denial Recommendation (6-3).

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:**

Mathew S. McElroy  
Director, City Development Department

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: LOTS 1-2 AND 4-5, BLOCK 1, DEL MESA ADDITIONS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-2 (COMMERCIAL) TO G-MU (GENERAL MIXED USE); PARCEL 2: A PORTION OF TRACT 4-C-1, MOREHEAD SURVEY, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM C-2/SP (COMMERCIAL/SPECIAL PERMIT) TO G-MU (GENERAL MIXED USE); PARCEL 3: A PORTION OF 4-C-1, MOREHEAD SURVEY, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4/SP (RESIDENTIAL/SPECIAL PERMIT) TO G-MU (GENERAL MIXED USE); PARCEL 4: LOTS 1-2, BLOCK 1, V.A.L. TRACT, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1/C/SP (COMMERCIAL/CONDITIONS/SPECIAL PERMIT) TO G-MU (GENERAL MIXED USE) AND APPROVING A MASTER ZONING PLAN. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of *Parcel 1: Lots 1-2 and 4-5, Block 1, Del Mesa Additions, City of El Paso, El Paso County, Texas* and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **C-2 (COMMERCIAL)** to **G-MU (GENERAL MIXED USE)**; *Parcel 2: A portion of Tract 4-C-1, Morehead Survey, City of El Paso, El Paso County, Texas* and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **C-2/SP (COMMERCIAL/SPECIAL PERMIT)** to **G-MU (GENERAL MIXED USE)**; *Parcel 3: A portion of 4-C-1, Morehead Survey, City of El Paso, El Paso County, Texas* and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **R-4/SP (RESIDENTIAL/SPECIAL PERMIT)** to **G-MU (GENERAL MIXED USE)**; *Parcel 4: Lots 1-2, Block 1, V.A.L. Tract, City of El Paso, El Paso County, Texas* and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **C-1/C/SP (COMMERCIAL/CONDITIONS/SPECIAL PERMIT)** to **G-MU (GENERAL MIXED USE)** AND APROVING A MASTER ZONING PLAN, such land uses allowed as being reflected in the Master Zoning Plan attached as Exhibit "B" and the Master Zoning Report attached as Exhibit "C" incorporated herein for all purposes, and that the zoning map of the City of El Paso be revised accordingly.

#179815/13-1007-720 Rezoning

ORDINANCE NO. \_\_\_\_\_

PZRZ12-00044

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

THE CITY OF EL PASO

ATTEST:

\_\_\_\_\_  
John F. Cook  
Mayor

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Karla M. Nieman  
Assistant City Attorney

\_\_\_\_\_  
Mathew S. McElroy, Director  
City Development Department

#179815/13-1007-720 Rezoning

ORDINANCE NO. \_\_\_\_\_

PZRZ12-00044

## EXHIBIT "A"

Prepared for: Dunaway Associates  
November 1, 2012

### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being Lots 1, 2, 4 and 5, Block 1, Del Mesa Addition, Lots 1 & 2, Block 1, V.A.L. Tract and Tract 4-C-1, Morehead Survey, City of El Paso, El Paso County, Texas and being more particularly described by Metes and Bounds as follows:

Commencing for reference at City of El Paso monument on the monument line of Montana Avenue and Chelsea Street, Thence North  $39^{\circ}00'57''$  West a distance of 71.23 feet to a point on the westerly right of way line of Chelsea Street for the "TRUE POINT OF BEGINNING"

Thence 31.36 feet along the arc of a curve to the right which has a radius of 19.91 feet a central angle of  $90^{\circ}16'00''$  a chord which bears South  $45^{\circ}16'45''$  West a distance of 28.22 feet to a set  $\frac{1}{2}$ " rebar with cap marked TX 5152 on the northerly line of Montana Avenue;

Thence along said right of way line, North  $89^{\circ}34'00''$  West a distance of 189.89 feet to a set  $\frac{1}{2}$ " rebar with cap marked TX 5152 for a point of curve;

Thence 31.33 feet along the arc of a curve to the right which has a radius of 19.86 feet a central angle of  $90^{\circ}25'00''$  a chord which bears North  $44^{\circ}22'45''$  West a distance of 28.18 feet to a set  $\frac{1}{2}$ " rebar with cap marked TX 5152 on the easterly right of way line of Cardon Street;

Thence along said right of way line, North  $00^{\circ}51'00''$  East a distance of 219.67 feet to a found concrete nail;

Thence along said right of way line, North  $03^{\circ}51'00''$  East a distance of 289.87 feet to a set  $\frac{1}{2}$ " rebar with cap marked TX 5152 for a point of curve;

Thence 92.51 feet along the arc of a curve to the right which has a radius of 160.36 feet a central angle of  $33^{\circ}03'06''$  a chord which bears North  $20^{\circ}21'18''$  East a distance of 91.23 feet to a found pk nail;

Thence along said right of way line, North  $36^{\circ}54'00''$  East a distance of 35.00 feet to a found  $\frac{1}{2}$ " rebar for a point of curve;

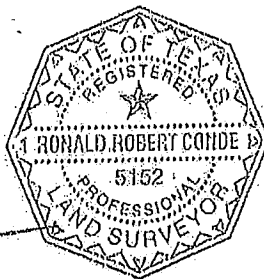
Thence 31.42 feet along the arc of a curve to the right which has a radius of 20.00 feet a central angle of  $90^{\circ}00'00''$  a chord which bears North  $81^{\circ}52'45''$  East a distance of 28.22 feet to a found  $\frac{1}{2}$ " rebar on the southerly right of way line of Trowbridge Drive;

Thence along said right of way line, South  $53^{\circ}06'00''$  East a distance of 149.63 feet to a found  $\frac{1}{2}$ " rebar for a point of curve;

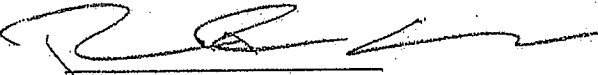
Thence 18.59 feet along the arc of a curve to the right which has a radius of 20.00 feet a central angle of  $53^{\circ}16'00''$  a chord which bears South  $26^{\circ}29'15''$  East a distance of 17.93 feet to a found pk nail on the westerly right of way line of Chelsea Street;

Thence along said right of way line, South  $00^{\circ}10'00''$  West a distance of 522.19 feet to the **TRUE POINT OF BEGINNING** and containing 133,808 Sq. Ft. 3.072 acres of land more or less.

Note: Bearings based on plat of Del Mesa Addition as recorded in Volume 9, Page 3, Plat records of El Paso County, Texas



Job # 1112-01

  
Ron R. Conde  
R.P.L.S. No. 5152

CONDE, INC.  
ENGINEERING / LAND SURVEYING / PLANNING  
6080 SURETY DRIVE SUITE 100 / EL PASO, TEXAS 79905  
(915) 592-0283 FAX (915) 592-0286

## ANTICIPATED DEVELOPMENT SCHEDULE

- SUBDISTRICT 1 WITH ALL ASSOCIATED DEVELOPMENT IMPROVEMENTS - COMPLETION FALL OF 2014
- SUBDISTRICTS 2 AND 3 TO POSSIBLY DEVELOP IN THE FUTURE - UNKNOWN TIME

## INTENDED LAND USE

GROcery ALONG WITH POSSIBLE FUTURE MIXED COMMERCIAL

## PROPERTY DEVELOPMENT STANDARDS

FRONT	REAR	INTERIOR	CORNER	MINIMUM	MINIMUM	MINIMUM
5'	20'	0'	5'	45'	60'	60'
					N/A	N/A

## ANTICIPATED TRAFFIC GENERATION, PM PEAK HOUR

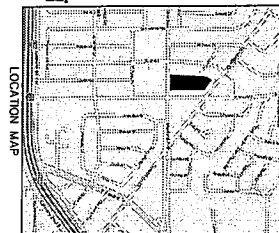
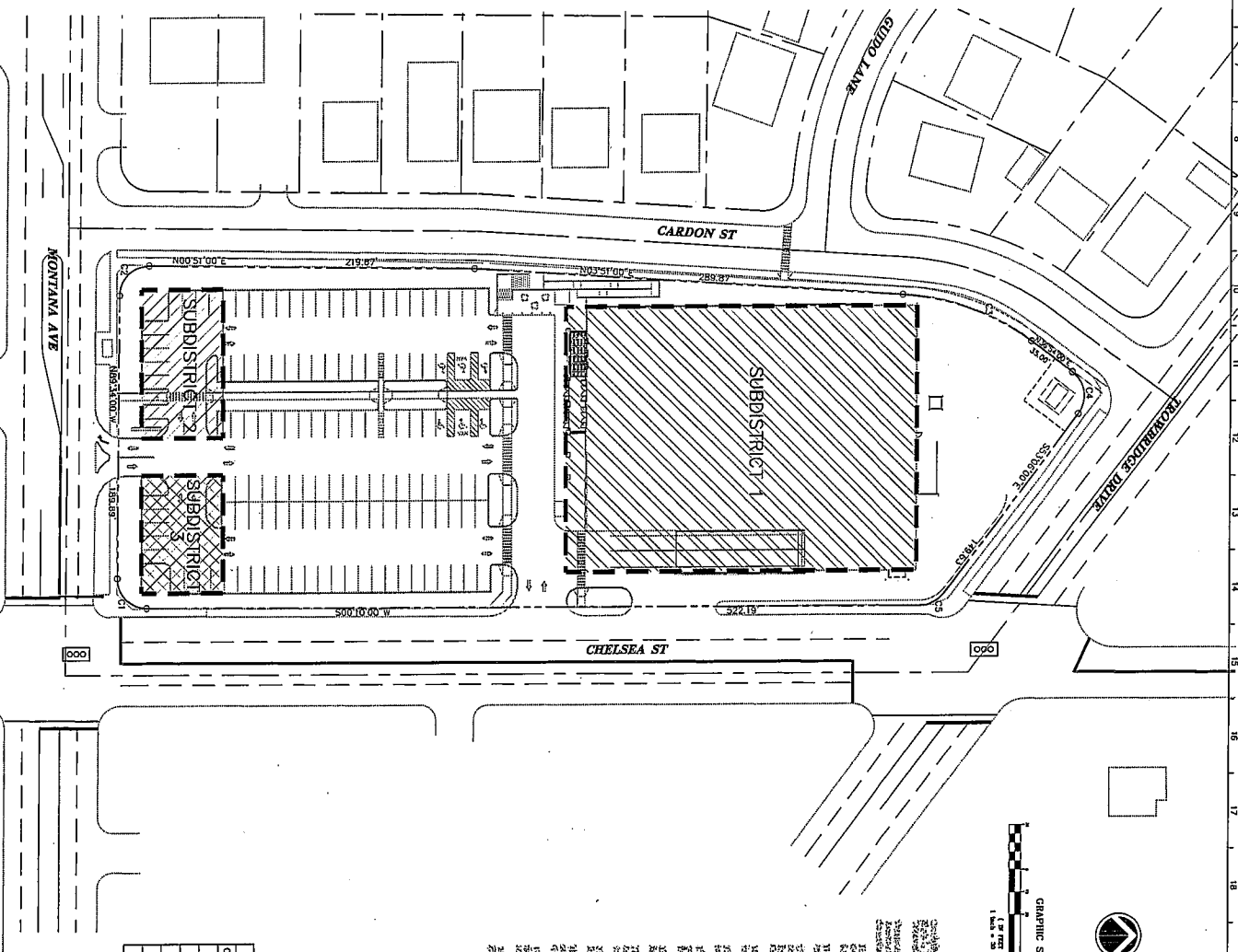
SUBDISTRICT	TYPE LAND USE	UNIT	TRIPS/UNIT	TRIPS
1	SUPERMARKET	35.5 ksf	9.48	337
2	RETAIL B2B SPECIALTY	5.5 ksf	2.71	15
3	RETAIL B2B	4.4 ksf	2.71	12

## ACREAGES

- SUBDISTRICT 1 WITH ALL ASSOCIATED DEVELOPMENT IMPROVEMENTS = 2.84 ACRES
- SUBDISTRICT 2 = 0.13 ACRE
- SUBDISTRICT 3 = 0.10 ACRE
- TOTAL = 3.07 ACRES

## MAXIMUM PROPOSED TOTAL FLOOR AREA

- SUBDISTRICT 1 = 40,000 S.F.
- SUBDISTRICT 2 = 5,775 S.F.
- SUBDISTRICT 3 = 4,350 S.F.
- TOTAL = 49,825 S.F.



## LEGEND

- SUBDISTRICT 1
- SUBDISTRICT 2
- SUBDISTRICT 3

CURVE	RADIUS	LENGTH	TANGENT (CHORD)	BEARING	DELTA
C1	19.97'	31.36'	20.00'	S45°18'00"W	90°00'00"
C2	19.86'	31.35'	20.00'	S45°18'00"W	90°00'00"
C3	160.35'	92.51'	47.58'	N20°22'33"E	33°03'05"
C4	20.00'	31.42'	20.00'	N81°54'00"E	90°00'00"
C5	20.00'	18.55'	10.00'	S26°20'00"E	33°03'00"

## DEVELOPER

WAL-MART STORES, INC.  
200 SOUTH GLENN STREET  
BENTONVILLE, AR 72716-0550

## PREPARED BY:

DUNAWAY ASSOCIATES, LTD.  
550 MALEY AVE. SUITE 440  
FORT WORTH, TEXAS 76107

## MASTER ZONING MAP



Market No. 4181-00  
Chelsea Street and Montana Avenue  
El Paso, Texas



NO.	DATE

**PROPOSED WALMART NEIGHBORHOOD MARKET  
NWC OF MONTANA AVENUE AND CHELSEA STREET  
EL PASO, EL PASO COUNTY, TEXAS**

**LOTS 1, 2, 4, AND 5, BLOCK 1, DEL MESA ADDITION  
LOTS 1 & 2, BLOCK 1, V.A.L. TRACT  
TRACT 4-C-1 MOREHEAD**

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PREPARED BY:



DUNAWAY ASSOCIATES, L.P.  
550 BAILEY AVENUE, SUITE 400  
FORT WORTH, TEXAS 76107  
TX Reg. F-1114



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## EXECUTIVE SUMMARY

The proposed development is located at the northwest corner of Montana Ave and Chelsea Street, and is more particularly described as Lots 1, 2, 4 and 5, Block 1, Del Mesa Addition, Lots 1 and 2, Block 1, V.A.L. Tract, and Tract 4C1 Morehead Survey. The proposed development contains 3.07 acres. The desired zoning for the proposed development is G-MU (General Mixed-Use). The proposed zoning allows for mixed use development.

The proposed project allows for a proposed Supermarket approximately 35,500 SF in size, with associated parking and other improvements. The development would allow for possible development of future buildings within the proposed parking area in the event adequate parking is realized or obtained elsewhere to serve the development and the owner is agreeable to the redevelopment.

The development will be served by the existing public streets surrounding the site, including Montana Avenue to the south, Chelsea Street to the east, Trowbridge Drive to the north, and Cardon Street to the west. Vehicular access to the site will be provided by a driveway to Montana Ave and two driveways to Chelsea Street into the development.

Utilities serving the proposed development would include water and sewer through the Public Service Board. These utilities would be constructed and all associated costs borne by the Developer. No offsite improvements are anticipated to be required for the services. All utilities within the development would be constructed as part of the development, including electrical and natural gas. Drainage for the proposed development would be provided through surface and underground drainage improvements.

## INTRODUCTION

This report has been prepared for submittal and consideration by the City of El Paso City Development Department, City Planning Commission and El Paso City Council. Information contained in this report is intended to fulfill the requirements of the Master Zoning Plan Report, as described in Municipal Ordinance, Chapter 20.04.200-A-5. The requirements are as follows: A written report shall accompany the MZP that describes the purpose, characteristics, components and timing of the proposed mix of land uses within the development, and includes a general statement of how the development relates to the City's comprehensive plan. A detailed description shall be required for each proposed land use, identifying the permissible uses for any sub-district within the mixed-use district to determine the compatibility of such uses within the mixed-use district.

The proposed development consists of a 3.07 acre parcel. The property is situated at the northwest quadrant of the intersection Montana Ave and Chelsea Street, and is more particularly described as Lots 1, 2, 4 and 5, Block 1, Del Mesa Addition, Lots 1 and 2, Block 1, V.A.L. Tract, and Tract 4C1 Morehead Survey. The proposed development will be a mixed-use development, incorporating Supermarket use, with possible other future GMU land uses.

The subject property currently has an operating restaurant, veterinary clinic, and vacant residence on approximately half of the site, and the remaining half is vacant land. The property is currently mixed zoning of C-1, C-2, and R-4.

## INTENT AND PURPOSE OF DEVELOPMENT

It is the intention of the proposed developer, Wal-Mart Real Estate Business Trust, to purchase and re-develop the parcel into an approximately 35,500 SF Supermarket facility to help serve the surrounding community. The proposed building structure would be approximately 24' in height. Pedestrian Connectivity within the development was an important factor in the overall layout, particularly from Montana Avenue for the existing Sun Metro Bus system and future Rapid Transit System proposed, as well as to the residences west of the site along Cardon Street. The primary entrance in to the Supermarket will be located on the south side of the building facing Montana Avenue, and defined pedestrian sidewalks will be provided through the development from both Montana Avenue and Cardon Street. Access to Cardon Street will be provided via crosswalk at the intersection of Guido Lane and Cardon Street. An outdoor seating area is proposed at the southwest corner of the building to facilitate pedestrian interaction. The truck dock area for the Supermarket will be located on the east side of the building, along Chelsea Street, away from the residences.

## PROJECT PHASING

The development of the site for the Supermarket use is anticipated to begin in late 2013, with an opening anticipated in late 2014. All improvements associated with Subdistrict 1 development would be completed as part of this construction.

It is possible that at some undefined time in the future additional building construction could occur within the current proposed parking lot area shown in Subdistrict 2 and Subdistrict 3. The development of these districts would be subject to Wal-Mart or the owner at the time agreeing to the re-development of the surface parking to create Subdistricts 2-3. In addition to the the owner agreeing to the re-development, there will need to be adequate parking either through offsite surface parking or an onsite or offsite parking garage. Subdistrict 2 and 3 would likely also be dependent on many different factors, including but not limited to the development market at the time, the re-development context occurring around the site, , and the creation of high density walkable/urban development

## LAND USE DETAILS

### Commercial:

Minimum Lot Size	N/A
Front Yard Setback	5 feet
Interior Side Yard Setback	0 feet
Street Side Yard Setback	5 feet
Rear Yard Setback	20 feet
Maximum Height	45 feet

Permitted uses for Commercial shall be only the following items as indicated below: The intended focus of this land use would be for commercial purposes.

Automated Teller Machine (ATM)	Farmers Market
Credit Union	Data Processing Center
Employment Agency	Financial Institution
Office, Administrative & Manager's	Office, Business
Office, Medical	Office, Professional
School, Arts & Crafts	Studio, Dance
Studio, Music	Studio, Photography
Telemarketing Agency	Clinic
Drug Store	Medical Lab
Medical Treatment Facility	Optical Dispensary
Pharmacy	Automobile Part Sales
Barber Shop	Beauty Salon
Dry Cleaning Shop	Laundromat, Laundry
Locksmith	Photofinishing Lab
Shoe Repair Shop	Movie Theatre (indoor)
Exercise Facility (indoor)	Open Space (common, public or private)
Bank	Electronic, Equipment Repair
Park, Playground	Personal Goods Repair
Theatre, Performing	Apartment (5 or more units)
Household Goods Repair	Bakery
Precision Equipment Repair	Boutique
Live-Work Flex Unit	Delicatessen
Book Store	Grocery
Cafeteria	Ice Cream Parlor
Drug Store	Package Liquor Store
Flower Shop, Florist	Pet Shop (including grooming)
Hobby Store	Produce Stand
Music Store	Restaurant (sit down)
Other Retail Establishment (low-volume)	Snow Cone, Shaved Ice Stand or Trailer
Print & Copy Shop	Sporting Goods Store
Restaurant (drive-in or walk up)	Streets and ROW (public or private)
Specialty Shop	Supermarket
Sales Stands (ranch & farm products)	

Services for utilities will be provided by the following:

Water	City of El Paso Water Utilities - Public Service Board
Natural Gas	Texas Gas
Electrical	El Paso Electric Company
Telephone	AT&T
Liquid Waste	City of El Paso Water Utilities - Public Service Board

#### **GEOLOGICAL AND SOIL CONDITIONS**

The geology of the site can be described as located on the hillsides of a river basin flood plain formed by the Rio Grande River. The basin (called the Hueco Bolson) was formed by a rift that was elevated through tectonic movement and formed the southern Rio Grande Valley or Mesilla Valley. The basin was

enclosed originally but was drained when the Rio Grande made its present course. The soils near the mountains and in playas and drainage ways have developed in recent times and have not taken enough water through their profile for caliche layers to be formed or for clay to be moved from the surface layer to the subsoils. These soils are in the Agustin, Canutio, Timbres, and Pajarito series. When the Rio Grande cut through the Hueco Bolson, the water help in the basin drainage away and the lakebed was exposed. The bed of the old lake consisted on deep material made up of clay and sand in thick layers. Where sand was at the surface, it was shifted about by wind. The Bluepoint soils formed in this sandy material. Exposed beds of clay have been mapped as Badlands, a miscellaneous land type.

A review of the Soil Survey of El Paso County Area as prepared by the United States Department of Agriculture indicates the site soils generally consist of loamy fine sand at the surface, with fine sand and stratified sand or sandy loam underlying the surface soils. The permeability of the underlying soils allows for the use of on-site ponding with percolation rates high enough to dissipate storm water runoff in a timely manner, when needed. The soil types at the site according to the Soil Conservation Services, Soil Survey are as follows:

**Bluepoint association, rolling (BPC)** – This soil is mostly found on hillsides of the Rio Grande River Valley with slopes ranging from 5 to 15 percent. The deep, gently sloping to strongly sloping soils are located just above the flood plain of the Rio Grande and below the escarpment of the Hueco Bolson. This association occupies about 15 percent of the county. Its parent material is wind-modified sandy alluvium, and its ecological classification is sand hills or desert shrub.

The Bluepoint soils account for 98 percent of the association and minor soils the remaining 2 percent. On about 89 percent of the total acreage, the Bluepoint soils have a loamy fine sand surface layer about 6 inches thick. This is underlain by very pale brown, moderately alkaline, loose material of sandy texture that is several feet thick. Bluepoint soils having a gravelly sand surface layer occur at higher elevations and make up about 9 percent of the association.

The Pajarito soils and Badlands occupy small areas. Pajarito soils are in low-lying places just above the Rio Grande flood plain. Badlands occur as outcrops or areas of exposed clay.

About 12 percent of the association in in the housing and industrial area of El Paso. Most of the remaining acreage is idle, but some is used as rangeland.

Soils of the Bluepoint series are deep, very pale brown, sandy, and moderately alkaline. They developed over outwash sediments, some of which have been altered by wind.

The surface of these soils is convex in some places and concave in others. Slopes range from 1 to 8 percent. The soils are well drained and have rapid internal drainage, slow surface runoff, and repaid permeability. Their available moisture capacity is low. Soil blowing is a severe hazard in unprotected areas.

**Badlands (BA)** – Badlands occur at and below the caliche-capped escarpments that separate the Hueco Bolson from the watershed of the Rio Grande. This land type is in discontinuous areas that lie parallel to the river and extend from the southeastern side of the city of El Paso south-eastward to the Hudspeth County line. The areas are irregularly shaped and 50 to 500 acres in size. Slopes are convex and range from 5 to 40 percent. Except for a few small plants of creosotebush, the land surface is bare.

Badlands consist mainly of heavy, plastic, reddish-gray clay that is stratified with layers of pink calcareous very fine sandy loam. Gullies are common in this soil material. The layers of clay are generally 4 to 9 feet thick, and the layers of very fine sandy loam are 2 to 6 feet thick. The clay is almost impervious, it is seldom wet to a depth of more than 3 or 4 inches.

Also trapped as Badlands are the caliche ridgetops and areas where gravelly sand overlies the reddish-gray clay.

This land is not suitable as cropland, and it has no value as rangeland.

**Pajarito series** - The Pajarito series consists of deep, pinkish-gray, loamy soils that are calcareous and moderately alkaline. These soils developed on alluvial fans or old terraces. They occur just above the Rio Grande flood plain and on alluvial fans in intermountain basins in the northern and eastern parts of the county.

The surface of these soils is plane in some areas and concave in others. Slopes range from less than 1 percent to about 3 percent. The soils are well drained and have moderate permeability in their surface layer and subsoils. Fertility and the available moisture capacity are moderate. Soil blowing and water erosion are hazards in unprotected areas.

Most of the acreage is used for range. Some of it is used for irrigated crops, housing and commercial developments, and military establishments or is idle.

Unless they are irrigated, the Pajarito soils are usually dry between the depths of 7 and 20 inches. The A horizon ranges from loam to fine sandy loam in texture. When this horizon is dry, it ranges from pinkish gray to pale brown in follow. The B2 horizon, when dry, is brown to yellowish brown, and ranges from loam to fine sandy loam and has a clay content of less than 18 percent. Pebble of limestone or igneous rock, or both, make up 0 to 15 percent of the A and B2 horizons, by volume. In most places, these pebble are coated with caliche.

The on-site soils appear to be acceptable for use onsite and for roadway subgrade, however, a geotechnical investigation is needed to determine the engineering properties of the soil.

Review of the preliminary Digital Federal Emergency Management Agency, Flood Insurance Rate Map Panel 4802140034B, indicates the site is situated in Zone C, areas of minimal flooding.

#### IDENTIFICATION OF POTENTIAL HAZARD AREAS

No potential dangers could be determined that would be the cause of imminent concern. The proposed site is not situated within a Special Flood Hazard Area, as defined by the Federal Emergency Management Agency.

#### TRAFFIC IMPACT ANALYSIS

A traffic impact analysis (TIA) was performed by Dunaway Associates, L.P. for the initial proposed development within Subdistrict 1 (Supermarket). Prior to completing the traffic study, Dunaway

collected AM and PM peak period turning movement counts at six intersections identified by the City of El Paso. These intersections included the intersections along Montana Avenue – at Reynolds Street, at Huckleberry Street, at Chelsea Street, and at Trowbridge Drive. Along Chelsea Street, the intersections included the Yandell Drive and Trowbridge Drive intersections. In addition to the peak period turning movement counts, Dunaway also collected 24-hour bidirectional counts along Montana Avenue, Chelsea Street, and Trowbridge Drive. These counts were used to analyze the roadway segments for those roads surrounding the proposed development.

Traffic modeling and analysis of the subject intersections/driveways was performed in accordance with standard engineering practice as detailed in the Highway Capacity Manual. The traffic analysis software, VISTRO, by PTV America, was utilized to determine the existing and proposed level of service at the critical intersections and all proposed site driveways. As part of the operational analysis, trip generation was determined for both the existing and proposed land uses. Dunaway used ITE's Trip Generation, 9<sup>th</sup> Edition to generate the anticipated site traffic for the proposed Neighborhood Market.

As required by the City of El Paso Ordinance, Dunaway completed the traffic analysis for two different time frames – existing and at opening year. In order to determine the potential impacts of the proposed Market on the surrounding streets, Dunaway conducted intersection analyses using PTV Vistro for the following scenarios: Year 2013 (Existing Conditions) and Year 2013 (Proposed Conditions - After Store Opening)

Year 2013 (Existing Conditions) – In this scenario, collected traffic volumes were used to analyze the existing traffic operation at the intersections in the study area. Existing signal timing information for the signalized intersections was provided by the City of El Paso and was used in the analyses. The analyses indicates that all of the existing intersections operate at level-of-service C or better during both the AM and PM peak hours.

Year 2014 (Proposed Conditions - After Store Opening) - The analyses indicates that after the Market opens, the LOS for the intersection of Trowbridge Drive at Montana Avenue remains LOS C and the level of service of Chelsea Street and Montana Avenue changes from LOS B to LOS C during the PM peak hour. All other intersections and driveways operate at LOS B or better.

With the completion of all of the analyses, based on existing traffic conditions and the amount of traffic expected for the proposed Market, Dunaway has determined that no major operational impacts are anticipated. All of the proposed access driveways are expected to operate at LOS B or better and the surrounding intersections are expected to operate at LOS C or better.

**Table 1. Expected Level of Service, Proposed Neighborhood Market**

Intersection	Control Type	2013 Existing Condition		2013 Existing + Site Traffic	
		AM	PM	AM	PM
Raynolds Road at Montana Avenue	Signalized	B	B	B	B
Huckleberry Street at Montana Avenue	Signalized	A	A	A	A
Chelsea Street at Montana Avenue	Signalized	B	B	B	C
Trowbridge Drive at Montana Avenue	Signalized	C	C	C	C
Chelsea Street at Trowbridge Drive	Signalized	A	A	A	B
Yandell Drive at Chelsea Street	Signalized	B	B	B	B
Driveway 1 along Montana Avenue	One-way Stop	-	-	B	B
Driveway 2 along Chelsea Street	One-way Stop	-	-	A	B

In addition to the initial TIA conducted for the Supermarket, the possible future developments within Subdistricts 2 and 3 were reviewed; assuming a Specialty Retail land use per the ITE trip generation manual. Based upon the assumed trip generation, no operational problems are anticipated at the critical intersections or access driveways. However, an additional TIA would be needed in the future at the time of the development of Subdistrict 2 or 3, in the event it occurs, to analyze for additional traffic growth in the area and other additional factors unknown at this time.

#### COMPREHENSIVE PLAN GENERAL STATEMENT

Based upon review of the City of El Paso Comprehensive Plan, the Future Land Use for this site is designated as G4, Suburban (Drivable). The proposed Supermarket will make use of an existing underutilized site to provide necessary goods to the surrounding community, allowing them to meet their nutritional needs without long car trips. Based upon this, and the proposed improvements associates with the development, the proposed development complies with goals of the current Comprehensive Plan. While the proposed development will facilitate automobile traffic, it also incorporates improvements to help provide pedestrian connectivity, including multiple access points to the facility by defined sidewalk areas throughout the site, enhanced landscaping utilizing xeriscape plantings and methods, and an outdoor seating area, allowing for interaction between the nearby residents, shoppers, and employees in the area. In addition, the development is compatible with the current bus transit system available in the area, as well as the future rapid transit system proposed.

## FENCING, SIGNAGE AND LIGHTING CRITERIA

### Fencing

The proposed development shall make use of fences in the form of walls along property lines adjacent to residentially zoned properties. The walls shall conform to a standard rock wall for the area, or be of a material approved by the City of El Paso. Rock utilized in the construction of the walls shall be quarry rock from local quarries. All walls shall have adequate foundations to maintain the stability of the wall for the duration of its life cycle. The rock used for rock walls shall be placed in mortar bedding, adequate to provide a solid wall without voids. Walls shall be capped with mortar to provide a finished top. All walls shall be uniform in construction and appearance.

Walls shall not be constructed at any location which would impede vehicular or pedestrian traffic through any open space, either public or private.

Retaining Walls shall be installed at the site as required based upon the site grades and elevation changes.

### Signage

The proposed development shall have a single monument sign, intended for placement on the south side of the development, along Montana Avenue. The proposed monument sign shall have the name of the development and shall have a maximum height of 10 feet, including its base. The actual sign face shall be limited to 80 square feet. The sign will be lighted, but shall not have excessive glare, and may make use of fully shielded light fixtures. Signage shall comply with Chapter 18.18 of the El Paso Municipal Code.

Signage on buildings shall comply with City of El Paso Municipal code Chapter 18.18, as well as all other requirements effecting signage in the Municipal Code.

In the event that Subdistricts 2 or 3 redevelop in the future, the monument sign in place can be modified, allowing for an additional 80 square feet of signage (160 square feet total) for use as a multi-tenant sign.

### Lighting

The proposed development shall utilize Parking lot lights as well as low pedestrian lighting fixtures, as needed, throughout the development for safety. Light fixtures shall be fully shielded and comply with the City of El Paso Municipal Code, Chapter 18.18.

## MEMORANDUM

**DATE:** May 20, 2013

**TO:** The Honorable Mayor and City Council  
Joyce A. Wilson, City Manager

**FROM:** Alex Hoffman, Zoning Administrator

**SUBJECT:** PZRZ12-00044

---

The City Plan Commission (CPC), on May 16, 2013, voted 6-3 to recommend **denial** of rezoning the subject properties from the current zoning districts to G-MU (General Mixed Use) and Master Zoning Plan (MZP).

The Planning Division recommends **approval** of rezoning the subject properties from the current zoning districts to GMU (General Mixed Use) and the Master Zoning Plan (MZP) with the following conditions:

1. *That a ten-foot (10') landscape buffer be required along the entire length of the westernmost property line along Cardon Street.*
2. *A landscaped parkway with street trees 30 feet on center around the perimeter of the subject property.*
3. *Restrict all commercial truck traffic on Cardon Street.*
4. *No access shall be permitted to the site from Cardon Street.*

The CPC found that the rezoning is not in conformance with the Plan El Paso. The CPC also determined that the rezoning does not protect the best interest, health, safety and welfare of the public in general; that the proposed use is not compatible with adjacent land uses; and the rezoning will have negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There are 2 phone calls and 1 letter in support and 11 phone calls and 9 letters in opposition to this rezoning request.

**Attachment:**  
Appeal Letter  
Staff Report



May 17, 2013

City Hall  
City Clerk Department, 1<sup>st</sup> Floor  
300 N. Campbell  
El Paso, Texas 79903

RE: Rezoning Case No. PZRZ12-00044 and Rezoning Condition Release Case No.  
PZCR13-00004

Dear Sir or Madam:

The Planning Commission recently denied our request to rezone the subject properties to a zoning of GMU (General Mixed Use) and release the existing zoning restriction for the above referenced zoning cases. This proposed rezoning and release of condition is being requested to allow for construction of a proposed Walmart Neighborhood Market grocery store. On behalf the property owners, Chicos Tacos, Inc., Mora Holdings, LLC and Omega Paving Contractors, Inc., Dunaway Associates L.P. submits this letter as a request for appeal to allow the referenced cases to proceed to forward to City Council for review and consideration.

Please do not hesitate to contact us with any questions or concerns. I can be reached by phone at 817-335-1121, or by email at [cbiggers@dunaway-assoc.com](mailto:cbiggers@dunaway-assoc.com).

Sincerely,

DUNAWAY ASSOCIATES, L.P.  
a Texas limited partnership

A handwritten signature in black ink, appearing to read 'C. Biggers'.

Chris Biggers, P.E.  
Principal / Program Manager

## APPEAL TO THE CITY COUNCIL

DATE: May 17, 2013

HONORABLE MAYOR AND CITY COUNCIL  
CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on May 16, 2013, the

City Plan Commission denied my request for rezoning from Parcel 1: C-2 (Commercial), Parcel 2: C-2/sp (Commercial/special permit), Parcel 3: R-4/sp (Residential/special permit) and Parcel 4: C-1/c/sp (Commercial/conditions/special permit) to GMU (General Mixed Use) to allow for commercial development and release of existing condition. (Case No. PZRZ12-00044 (Rezoning) and PZCR13-00004 (Condition Release))

legally described as:

Parcel 1: Lots 1-2 and 4-5, Block 1, DEL MESA ADDITION

Parcel 2: A portion of Tract 4-C-1, MOREHEAD SURVEY

Parcel 3: A portion of Tract 4-C-1, MOREHEAD SURVEY

Parcel 4: Lots 1-2, Block 1, V.A.L. TRACT

I hereby request the City Council to review the decision of the Rezoning Case No. PZCR13-00004 and Condition Release Case No. PZCR13-00004 AND CONSIDER MY REQUEST

SET OUT ABOVE. I AM ATTACHING A LETTER SETTING FORTH MY

REASONS FOR BELIEVING THEIR DECISION TO BE IN ERROR.

Chicos Tacos, Inc., Mora Holdings, LLC and Omega Paving  
Contractors, Inc. c/o Chris Biggers (Dunaway Associates LP)

APPLICANT

550 Bailey Avenue, Suite 400, Fort Worth Tx 76107

ADDRESS

(817) 335-1121

TELEPHONE NUMBER

Two (2) copies filed in City Clerk's Office on:



## *City of El Paso – City Plan Commission Staff Report*

**Case No:** PZRZ12-00044  
**Application Type:** Rezoning  
**CPC Hearing Date:** May 16, 2013  
**Staff Planner:** Alex Hoffman, 915-541-4638, [hoffmanap@elpasotexas.gov](mailto:hoffmanap@elpasotexas.gov)

**Location:** Parcel 1: 5305 and 5331 Montana Avenue  
Parcel 2: 1015 Chelsea Street  
Parcel 3: 1012 Cardon Street  
Parcel 4: 1039 Chelsea Street

**Legal Description:** Parcel 1: Lots 1-2 and 4-5, Block 1, Del Mesa Additions, City of El Paso, El Paso County, Texas  
Parcel 2: A portion of Tract 4-C-1, Morehead Survey, City of El Paso, El Paso County, Texas  
Parcel 3: A portion of 4-C-1, Morehead Survey, City of El Paso, El Paso County, Texas  
Parcel 4: Lots 1-2, Block 1, V.A.L. Tract, City of El Paso, El Paso County, Texas

**Acreage:** 3.072 acres

**Rep District:** 2

**Existing Zoning:** Parcel 1: C-2 (Commercial)  
Parcel 2: C-2/sp (Commercial/special permit)  
Parcel 3: R-4/sp (Residential/special permit)  
Parcel 4: C-1/c/sp (Commercial/conditions/special permit)

**Existing Use:** Parcel 1: Restaurant  
Parcel 2: Animal Clinic  
Parcel 3: Single-family dwelling  
Parcel 4: Vacant

**Request:** Parcel 1: C-2 (Commercial) to GMU (General Mixed Use)  
Parcel 2: C-2/sp (Commercial/special permit) to GMU (General Mixed Use)  
Parcel 3: R-4/sp (Residential/special permit) to GMU (General Mixed Use)  
Parcel 4: C-1/c/sp (Commercial/conditions/special permit) to GMU/c (General Mixed Use/condition)

**Proposed Use:** Wal-Mart Neighborhood Market

**Property Owner:** Chicos Tacos, Inc., Mora Holdings, LLC, Johanna Welsh Estate, and Omega Paving Contractors, Inc.

**Representative:** Dunaway Associates, L.P. c/o Chris Biggers

### **SURROUNDING ZONING AND LAND USE**

**North:** R-4 (Residential) / Single-family dwellings and Fire Station

**South:** C-1 (Commercial) / Shopping Center

**East:** C-1 (Commercial) / Shopping Center

**West:** R-4 (Residential) / Single-family dwellings; C-2 (Commercial) / Restaurant

**PLAN EL PASO DESIGNATION:** G-4 Suburban (Walkable) (Central Plan)

**NEAREST PARK:** Mesa Terrace Park (2,409 feet)

**NEAREST SCHOOL:** Hillside Elementary (3,159 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

El Paso Central Business Association

United Neighborhood Association

## **NEIGHBORHOOD INPUT**

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on April 2, 2013. The Planning Division has received 2 phone calls and 1 letter (see Attachment 6) in support and 11 phone calls and 9 letters (see Attachment 7) in opposition to the rezoning request.

## **HISTORY CASE**

On April 18, 2013, the case was heard by the City Plan Commission and the applicant requested to postpone 2 weeks until May 2, 2013. There were 16 neighbors present and expressing their support (6) and against (10) the rezoning request.

On May 2, 2013, the case was not heard by City Plan Commission and the applicant requested to postpone 2 more weeks until May 16, 2013 to coordinate with City Development Department and El Paso Department of Transportation.

## **APPLICATION DESCRIPTION**

The applicant is requesting to rezone the subject property from current zoning districts to GMU (General Mixed Use) to allow for Wal-Mart Neighborhood Market. The site plan shows a new 35,500 sq. ft. building for Wal-Mart Neighborhood Market. If approved, the GMU (General Mixed Use) zoning district requires a master zoning plan (MZIP) for Wal-Mart Neighborhood Market and all other proposed uses. Access is proposed from Montana Avenue and Chelsea Street. This rezoning case is related to zoning condition release or amendment case (PZCR13-00004).

## **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **approval** of rezoning the subject properties from the current zoning districts to GMU (General Mixed Use) and the Master Zoning Plan (MZIP) with the following conditions:

5. *That a ten-foot (10') landscape buffer be required along the entire length of the westernmost property line along Cardon Street.*
6. *A landscaped parkway with street trees 30 feet on center around the perimeter of the subject property.*
7. *Restrict all commercial truck traffic on Cardon Street.*
8. *No access shall be permitted to the site from Cardon Street.*

The recommendation is based on compatibility with the GMU (General Mixed use) design standards which outline compatibility with nearby properties and future development. The proposed development will promote a harmonious relationship with surrounding adjacent and nearby properties, developed and undeveloped.

## **Plan El Paso- Future Land Use Map Designation**

All applications for rezoning shall demonstrate compliance with the following criteria:

G-4 – Suburban (Walkable): This sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the GMU (General Mixed Use) district is to accommodate, encourage and promote innovatively designed developments involving the combining and mixing of uses allowed in various zoning districts with appropriate regulations, which together form an attractive and harmonious unit of the city. The regulations of this district are intended to allow for large-scale developments that are able to function as individual neighborhoods or an integrated collection (two or more) of individual neighborhoods supported by civic, commercial and recreational uses; as small-scale developments requiring flexibility because of unique design characteristics; or as transitional areas between dissimilar land uses. It is intended that the district regulations permit flexibility and encourage more creative, efficient and aesthetically desirable design and placement of land uses.

## **COMMENTS:**

### **Planning Division - Transportation**

TIA review:

The proposed right-in/right-out turn median at the proposed access to Montana shall be coordinated with EPDOT at building permit.

Notes:

1. The proposed location is located along the Montana Rapid Transit System (RTS) corridor. Location and arrangement of bus stops or bus pull in bays shall be coordinated and approved by Sun Metro.
2. All proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) located within public rights-of-way shall be constructed in compliance with the current ADA/TAS regulations and City Design Standards for construction.

### **El Paso Department of Transportation**

No objection. Recommend coordination with EPDOT for the design of the driveway onto Montana Avenue.

### **City Development Department – Plan Review**

No objections.

### **City Development Department - Landscaping Division**

Landscape plan on the detailed site plan is required.

### **City Development Department - Land Development**

No Objection.

Note:

Grading plan and permit shall be required.\*

Storm Water Pollution Prevention Plan and/or permit required.\*

Drainage plans must be approved by the City Development Dept. Land Development Section.\*

\* This requirement will be applied at the time of development.

### **Fire Department**

The proposed development does not adversely affect the fire department at this time.

### **Sun Metro**

Sun Metro does not oppose this request. Sun Metro does have two adjacent bus stops to the subject property. These bus stop will remain at their current locations, but it is requested that a minimum of a 50' clearance be provided at the bus stops along Montana and Chelsea as bus loading zones. This will permit our transit vehicles to efficiently service the bus stops. It is from previous experiences which we have identified that bus stops at or near such commercial establishments become locations of high ridership, thus our request for the minimum of a 50' bus loading zones. Sun Metro also recommends the installation of cart corrals near the bus stops.

### **El Paso Water Utilities**

We have reviewed the zoning change request described above and provide the following comments:

EPWU does not object to this request.

EPWU-PSB Comments

Water:

Along Montana Avenue between Cardon Street and Chelsea Street there is an existing twenty (20) inch diameter water transmission main. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board (EPWU-PSB) Rules and Regulations.

Along Montana Avenue between Cardon Street and Chelsea Street there is an existing six (6) inch diameter water main.

Along Montana Avenue between Cardon Street and Chelsea Street there is an existing twelve (12) inch diameter

raw, un-chlorinated water transmission main (flow line). This main is not active.

Along Cardon Street between Montana Avenue and Trowbridge Drive there is an existing six (6) inch diameter water main.

Along Trowbridge Drive between Cardon Street and Chelsea Street there is an existing twelve (12) inch diameter water main.

Along Chelsea Street between Trowbridge Drive and Montana Avenue there are no existing water mains.

Previous water pressure readings conducted on fire hydrant number 1634 located at the corner of Montana Avenue and Cardon Street have yielded a static pressure of 130 pounds per square inch (psi), residual pressure of 120 psi, discharge of 1,547 gallons per minute (gpm).

#### Sanitary Sewer:

Along Montana Avenue between Cardon Street and Chelsea Street there is an existing eighteen (18) inch diameter sanitary sewer main. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board (EPWU-PSB) Rules and Regulations.

Along Cardon Street between Montana Avenue and Trowbridge Drive there is an existing eight (8) inch diameter sanitary sewer main.

Along Trowbridge Drive between Cardon Street and Chelsea Street there is an existing eight (8) inch diameter sanitary sewer main.

Along Chelsea Street between Trowbridge Drive and Montana Avenue there is an existing eight (8) inch diameter sanitary sewer main.

#### General

Montana Avenue is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Montana Avenue right-of-way requires written permission from TxDOT.

EPWU requires a new service application to initialize design of the water and sanitary sewer main extensions to serve the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

### **CITY PLAN COMMISSION OPTIONS**

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into conformance with the review criteria in Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the rezoning does not conform to the review criteria in Plan El Paso as reflected in CPC report or other criteria identified in the Plan by the CPC.

### **Attachments:**

- Attachment 1: Zoning Map
- Attachment 2: Aerial Map
- Attachment 3: Illustrative Plan
- Attachment 4: Master Zoning Map
- Attachment 5: Master Zoning Plan
- Attachment 6: Support Letter
- Attachment 7: Opposition Letters

ATTACHMENT 1: ZONING MAP

PZRZ12-00044

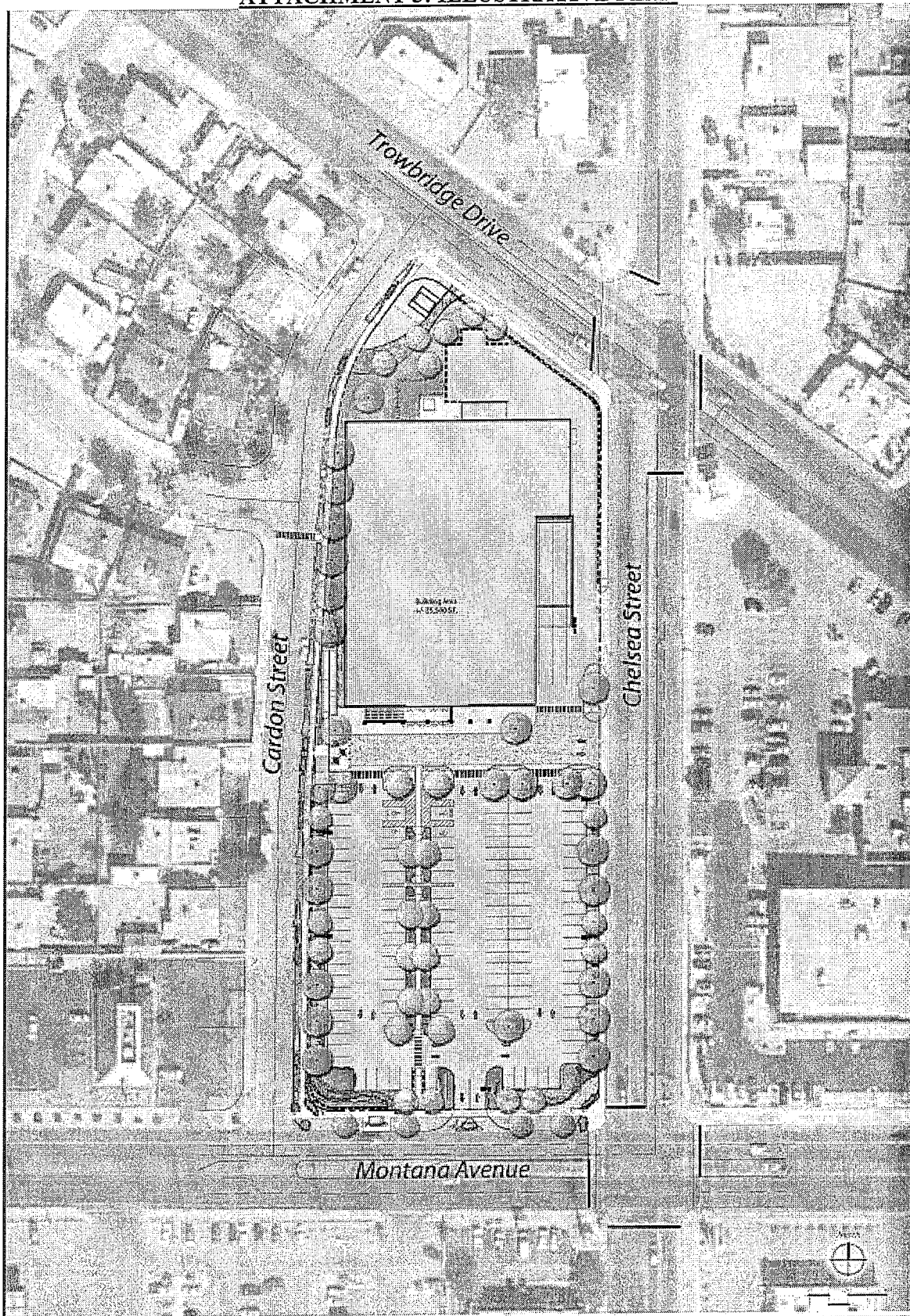


ATTACHMENT 2: AERIAL MAP

PZRZ12-00044



**ATTACHMENT 3: ILLUSTRATIVE PLAN**

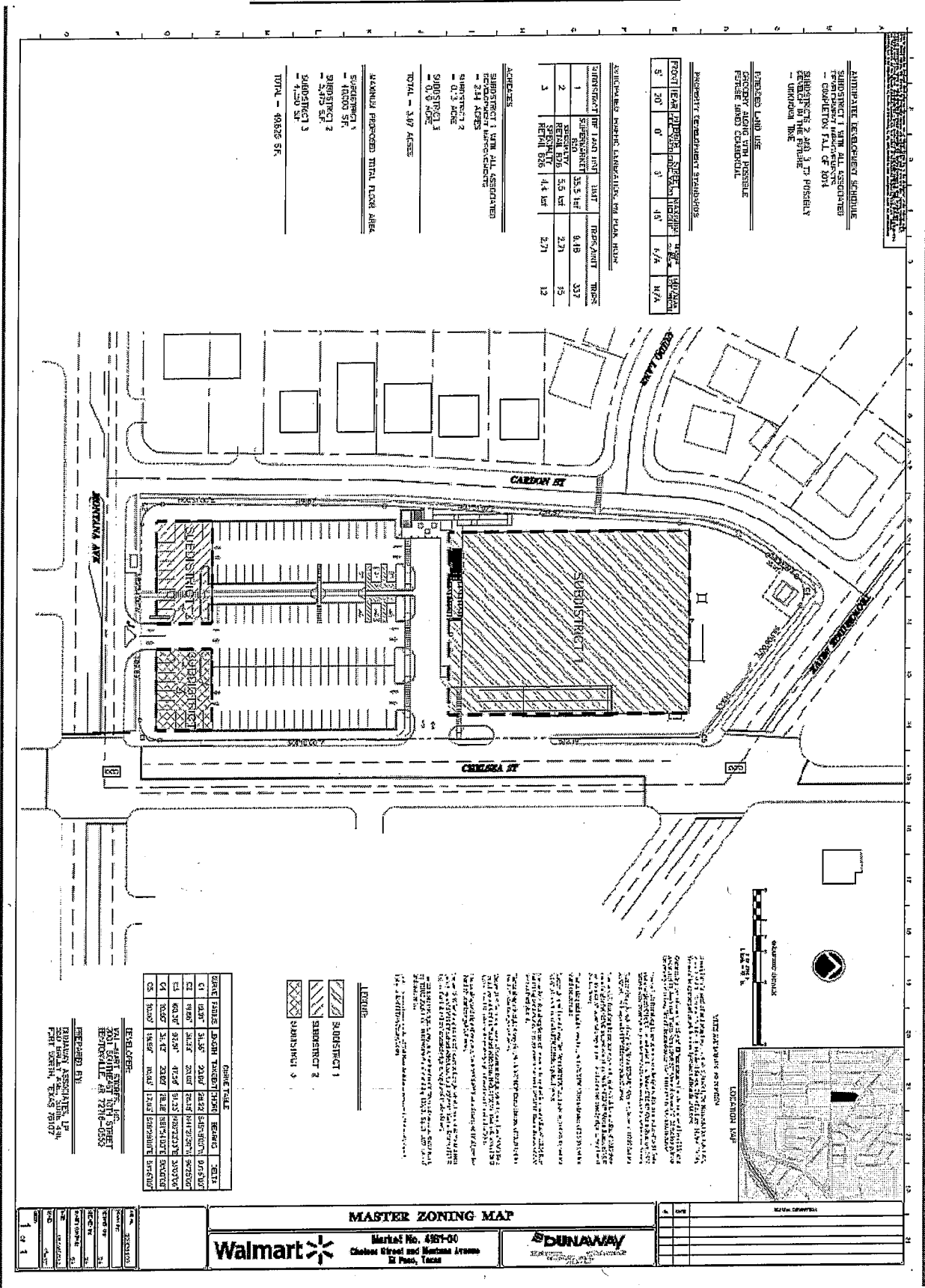


**DUNAWAY**

Walmart Neighborhood Market - El Paso

May 7, 2013 002013401

# ATTACHMENT 4: MASTER ZONING MAP



**ATTACHMENT 5: MASTER ZONING PLAN**

PROPOSED WALMART NEIGHBORHOOD MARKET  
NWC OF MONTANA AVENUE AND CHELSEA STREET  
EL PASO, EL PASO COUNTY, TEXAS

LOTS 1, 2, 4, AND 5, BLOCK 1, DEL MESA ADDITION  
LOTS 1 & 2, BLOCK 1, V.A.L. TRACT  
TRACT 4-C-1 MOREHEAD

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PREPARED BY:



DUNAWAY ASSOCIATES, L.P.  
550 BAILEY AVENUE, SUITE 400  
FORT WORTH, TEXAS 76107  
TX Reg. F-1114

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## EXECUTIVE SUMMARY

The proposed development is located at the northwest corner of Montana Ave and Chelsea Street, and is more particularly described as Lots 1, 2, 4 and 5, Block 1, Del Mesa Addition, Lots 1 and 2, Block 1, V.A.L. Tract, and Tract 4C1 Morehead Survey. The proposed development contains 3.07 acres. The desired zoning for the proposed development is G-MU (General Mixed-Use). The proposed zoning allows for mixed use development.

The proposed project allows for a proposed Supermarket approximately 35,500 SF in size, with associated parking and other improvements. The development would allow for possible development of future buildings within the proposed parking area in the event adequate parking is realized or obtained elsewhere to serve the development and the owner is agreeable to the redevelopment.

The development will be served by the existing public streets surrounding the site, including Montana Avenue to the south, Chelsea Street to the east, Trowbridge Drive to the north, and Cardon Street to the west. Vehicular access to the site will be provided by a driveway to Montana Ave and two driveways to Chelsea Street into the development.

Utilities serving the proposed development would include water and sewer through the Public Service Board. These utilities would be constructed and all associated costs borne by the Developer. No offsite improvements are anticipated to be required for the services. All utilities within the development would be constructed as part of the development, including electrical and natural gas. Drainage for the proposed development would be provided through surface and underground drainage improvements.

## INTRODUCTION

This report has been prepared for submittal and consideration by the City of El Paso City Development Department, City Planning Commission and El Paso City Council. Information contained in this report is intended to fulfill the requirements of the Master Zoning Plan Report, as described in Municipal Ordinance, Chapter 20.04.200-A-5. The requirements are as follows: A written report shall accompany the MZP that describes the purpose, characteristics, components and timing of the proposed mix of land uses within the development, and includes a general statement of how the development relates to the City's comprehensive plan. A detailed description shall be required for each proposed land use, identifying the permissible uses for any sub-district within the mixed-use district to determine the compatibility of such uses within the mixed-use district.

The proposed development consists of a 3.07 acre parcel. The property is situated at the northwest quadrant of the intersection Montana Ave and Chelsea Street, and is more particularly described as Lots 1, 2, 4 and 5, Block 1, Del Mesa Addition, Lots 1 and 2, Block 1, V.A.L. Tract, and Tract 4C1 Morehead Survey. The proposed development will be a mixed-use development, incorporating Supermarket use, with possible other future GMU land uses.

The subject property currently has an operating restaurant, veterinary clinic, and vacant residence on approximately half of the site, and the remaining half is vacant land. The property is currently mixed zoning of C-1, C-2, and R-4.

#### INTENT AND PURPOSE OF DEVELOPMENT

It is the intention of the proposed developer, Wal-Mart Real Estate Business Trust, to purchase and re-develop the parcel into an approximately 35,500 SF Supermarket facility to help serve the surrounding community. The proposed building structure would be approximately 24' in height. Pedestrian Connectivity within the development was an important factor in the overall layout, particularly from Montana Avenue for the existing Sun Metro Bus system and future Rapid Transit System proposed, as well as to the residences west of the site along Cardon Street. The primary entrance in to the Supermarket will be located on the south side of the building facing Montana Avenue, and defined pedestrian sidewalks will be provided through the development from both Montana Avenue and Cardon Street. Access to Cardon Street will be provided via crosswalk at the intersection of Guido Lane and Cardon Street. An outdoor seating area is proposed at the southwest corner of the building to facilitate pedestrian interaction. The truck dock area for the Supermarket will be located on the east side of the building, along Chelsea Street, away from the residences.

#### PROJECT PHASING

The development of the site for the Supermarket use is anticipated to begin in late 2013, with an opening anticipated in late 2014. All improvements associated with Subdistrict 1 development would be completed as part of this construction.

It is possible that at some undefined time in the future additional building construction could occur within the current proposed parking lot area shown in Subdistrict 2 and Subdistrict 3. The development of these districts would be subject to Wal-Mart or the owner at the time agreeing to the re-development of the surface parking to create Subdistricts 2-3. In addition to the the owner agreeing to the re-development, there will need to be adequate parking either through offsite surface parking or an onsite or offsite parking garage. Subdistrict 2 and 3 would likely also be dependent on many different factors, including but not limited to the development market at the time, the re-development context occurring around the site, , and the creation of high density walkable/urban development

#### LAND USE DETAILS

##### Commercial:

Minimum Lot Size	N/A
Front Yard Setback	5 feet
Interior Side Yard Setback	0 feet
Street Side Yard Setback	5 feet
Rear Yard Setback	20 feet
Maximum Height	45 feet

Permitted uses for Commercial shall be only the following items as indicated below: The intended focus of this land use would be for commercial purposes.

Automated Teller Machine (ATM)  
Credit Union  
Employment Agency  
Office, Administrative & Manager's  
Office, Medical  
School, Arts & Crafts  
Studio, Music  
Telemarketing Agency  
Drug Store  
Medical Treatment Facility  
Pharmacy  
Barber Shop  
Dry Cleaning Shop  
Locksmith  
Shoe Repair Shop  
Exercise Facility (indoor)  
Bank  
Park, Playground  
Theatre, Performing  
Household Goods Repair  
Precision Equipment Repair  
Live-Work Flex Unit  
Book Store  
Cafeteria  
Drug Store  
Flower Shop, Florist  
Hobby Store  
Music Store  
Other Retail Establishment (low-volume)  
Print & Copy Shop  
Restaurant (drive-in or walk up)  
Specialty Shop  
Sales Stands (ranch & farm products)

Farmers Market  
Data Processing Center  
Financial Institution  
Office, Business  
Office, Professional  
Studio, Dance  
Studio, Photography  
Clinic  
Medical Lab  
Optical Dispensary  
Automobile Part Sales  
Beauty Salon  
Laundromat, Laundry  
Photofinishing Lab  
Movie Theatre (indoor)  
Open Space (common, public or private)  
Electronic, Equipment Repair  
Personal Goods Repair  
Apartment (5 or more units)  
Bakery  
Boutique  
Delicatessen  
Grocery  
Ice Cream Parlor  
Package Liquor Store  
Pet Shop (including grooming)  
Produce Stand  
Restaurant (sit down)  
Snow Cone, Shaved Ice Stand or Trailer  
Sporting Goods Store  
Streets and ROW (public or private)  
Supermarket

Services for utilities will be provided by the following:

Water	City of El Paso Water Utilities - Public Service Board
Natural Gas	Texas Gas
Electrical	El Paso Electric Company
Telephone	AT&T
Liquid Waste	City of El Paso Water Utilities - Public Service Board

**GEOLOGICAL AND SOIL CONDITIONS**

The geology of the site can be described as located on the hillsides of a river basin flood plain formed by the Rio Grande River. The basin (called the Hueco Bolson) was formed by a rift that was elevated through tectonic movement and formed the southern Rio Grande Valley or Mesilla Valley. The basin was

enclosed originally but was drained when the Rio Grande made its present course. The soils near the mountains and in playas and drainage ways have developed in recent times and have not taken enough water through their profile for caliche layers to be formed or for clay to be moved from the surface layer to the subsoils. These soils are in the Agustin, Canutio, Timbres, and Pajarito series. When the Rio Grande cut through the Hueco Bolson, the water help in the basin drainage away and the lakebed was exposed. The bed of the old lake consisted on deep material made up of clay and sand in thick layers. Where sand was at the surface, it was shifted about by wind. The Bluepoint soils formed in this sandy material. Exposed beds of clay have been mapped as Badlands, a miscellaneous land type.

A review of the Soil Survey of El Paso County Area as prepared by the United States Department of Agriculture indicates the site soils generally consist of loamy fine sand at the surface, with fine sand and stratified sand or sandy loam underlying the surface soils. The permeability of the underlying soils allows for the use of on-site ponding with percolation rates high enough to dissipate storm water runoff in a timely manner, when needed. The soil types at the site according to the Soil Conservation Services, Soil Survey are as follows:

**Bluepoint association, rolling (BPC)** – This soil is mostly found on hillsides of the Rio Grande River Valley with slopes ranging from 5 to 15 percent. The deep, gently sloping to strongly sloping soils are located just above the flood plain of the Rio Grande and below the escarpment of the Hueco Bolson. This association occupies about 15 percent of the county. Its parent material is wind-modified sandy alluvium, and its ecological classification is sand hills or desert shrub.

The Bluepoint soils account for 98 percent of the association and minor soils the remaining 2 percent. On about 89 percent of the total acreage, the Bluepoint soils have a loamy fine sand surface layer about 6 inches thick. This is underlain by very pale brown, moderately alkaline, loose material of sandy texture that is several feet thick. Bluepoint soils having a gravelly sand surface layer occur at higher elevations and make up about 9 percent of the association.

The Pajarito soils and Badlands occupy small areas. Pajarito soils are in low-lying places just above the Rio Grande flood plain. Badlands occur as outcrops or areas of exposed clay.

About 12 percent of the association is in the housing and industrial area of El Paso. Most of the remaining acreage is idle, but some is used as rangeland.

Soils of the Bluepoint series are deep, very pale brown, sandy, and moderately alkaline. They developed over outwash sediments, some of which have been altered by wind.

The surface of these soils is convex in some places and concave in others. Slopes range from 1 to 8 percent. The soils are well drained and have rapid internal drainage, slow surface runoff, and repaid permeability. Their available moisture capacity is low. Soil blowing is a severe hazard in unprotected areas.

**Badlands (BA)** – Badlands occur at and below the caliche-capped escarpments that separate the Hueco Bolson from the watershed of the Rio Grande. This land type is in discontinuous areas that lie parallel to the river and extend from the southeastern side of the city of El Paso south-eastward to the Hudspeth County line. The areas are irregularly shaped and 50 to 500 acres in size. Slopes are convex and range from 5 to 40 percent. Except for a few small plants of creosotebush, the land surface is bare.

Badlands consist mainly of heavy, plastic, reddish-gray clay that is stratified with layers of pink calcareous very fine sandy loam. Gullies are common in this soil material. The layers of clay are generally 4 to 9 feet thick, and the layers of very fine sandy loam are 2 to 6 feet thick. The clay is almost impervious, it is seldom wet to a depth of more than 3 or 4 inches.

Also trapped as Badlands are the caliche ridgetops and areas where gravelly sand overlies the reddish-gray clay.

This land is not suitable as cropland, and it has no value as rangeland.

**Pajarito series** - The Pajarito series consists of deep, pinkish-gray, loamy soils that are calcareous and moderately alkaline. These soils developed on alluvial fans or old terraces. They occur just above the Rio Grande flood plain and on alluvial fans in intermountain basins in the northern and eastern parts of the county.

The surface of these soils is plane in some areas and concave in others. Slopes range from less than 1 percent to about 3 percent. The soils are well drained and have moderate permeability in their surface layer and subsoils. Fertility and the available moisture capacity are moderate. Soil blowing and water erosion are hazards in unprotected areas.

Most of the acreage is used for range. Some of it is used for irrigated crops, housing and commercial developments, and military establishments or is idle.

Unless they are irrigated, the Pajarito soils are usually dry between the depths of 7 and 20 inches. The A horizon ranges from loam to fine sandy loam in texture. When this horizon is dry, it ranges from pinkish gray to pale brown in follow. The B2 horizon, when dry, is brown to yellowish brown, and ranges from loam to fine sandy loam and has a clay content of less than 18 percent. Pebble of limestone or igneous rock, or both, make up 0 to 15 percent of the A and B2 horizons, by volume. In most places, these pebble are coated with caliche.

The on-site soils appear to be acceptable for use onsite and for roadway subgrade, however, a geotechnical investigation is needed to determine the engineering properties of the soil.

Review of the preliminary Digital Federal Emergency Management Agency, Flood Insurance Rate Map Panel 4802140034B, indicates the site is situated in Zone C, areas of minimal flooding.

#### **IDENTIFICATION OF POTENTIAL HAZARD AREAS**

No potential dangers could be determined that would be the cause of imminent concern. The proposed site is not situated within a Special Flood Hazard Area, as defined by the Federal Emergency Management Agency.

#### **TRAFFIC IMPACT ANALYSIS**

A traffic impact analysis (TIA) was performed by Dunaway Associates, L.P. for the initial proposed development within Subdistrict 1 (Supermarket). Prior to completing the traffic study, Dunaway

collected AM and PM peak period turning movement counts at six intersections identified by the City of El Paso. These intersections included the intersections along Montana Avenue – at Reynolds Street, at Huckleberry Street, at Cheslea Street, and at Trowbridge Drive. Along Chelsea Street, the intersections included the Yandell Drive and Trowbridge Drive intersections. In addition to the peak period turning movement counts, Dunaway also collected 24-hour bidirectional counts along Montana Avenue, Chelsea Street, and Trowbridge Drive. These counts were used to analyze the roadway segments for those roads surrounding the proposed development.

Traffic modeling and analysis of the subject intersections/driveways was performed in accordance with standard engineering practice as detailed in the Highway Capacity Manual. The traffic analysis software, VISTRO, by PTV America, was utilized to determine the existing and proposed level of service at the critical intersections and all proposed site driveways. As part of the operational analysis, trip generation was determined for both the existing and proposed land uses. Dunaway used ITE's Trip Generation, 9<sup>th</sup> Edition to generate the anticipated site traffic for the proposed Neighborhood Market.

As required by the City of El Paso Ordinance, Dunaway completed the traffic analysis for two different time frames – existing and at opening year. In order to determine the potential impacts of the proposed Market on the surrounding streets, Dunaway conducted intersection analyses using PTV Vistro for the following scenarios: Year 2013 (Existing Conditions) and Year 2013 (Proposed Conditions - After Store Opening)

Year 2013 (Existing Conditions) – In this scenario, collected traffic volumes were used to analyze the existing traffic operation at the intersections in the study area. Existing signal timing information for the signalized intersections was provided by the City of El Paso and was used in the analyses. The analyses indicates that all of the existing intersections operate at level-of-service C or better during both the AM and PM peak hours.

Year 2014 (Proposed Conditions - After Store Opening) - The analyses indicates that after the Market opens, the LOS for the intersection of Trowbridge Drive at Montana Avenue remains LOS C and the level of service of Chelsea Street and Montana Avenue changes from LOS B to LOS C during the PM peak hour. All other intersections and driveways operate at LOS B or better.

With the completion of all of the analyses, based on existing traffic conditions and the amount of traffic expected for the proposed Market, Dunaway has determined that no major operational impacts are anticipated. All of the proposed access driveways are expected to operate at LOS B or better and the surrounding intersections are expected to operate at LOS C or better.

**Table 1. Expected Level of Service, Proposed Neighborhood Market**

Intersection	Control Type	2013 Existing Condition		2013 Existing + Site Traffic	
		AM	PM	AM	PM
Raynolds Road at Montana Avenue	Signalized	B	B	B	B
Huckleberry Street at Montana Avenue	Signalized	A	A	A	A
Chelsea Street at Montana Avenue	Signalized	B	B	B	C
Trowbridge Drive at Montana Avenue	Signalized	C	C	C	C
Chelsea Street at Trowbridge Drive	Signalized	A	A	A	B
Yandell Drive at Chelsea Street	Signalized	B	B	B	B
Driveway 1 along Montana Avenue	One-way Stop	-	-	B	B
Driveway 2 along Chelsea Street	One-way Stop	-	-	A	B

In addition to the initial TIA conducted for the Supermarket, the possible future developments within Subdistricts 2 and 3 were reviewed; assuming a Specialty Retail land use per the ITE trip generation manual. Based upon the assumed trip generation, no operational problems are anticipated at the critical intersections or access driveways. However, an additional TIA would be needed in the future at the time of the development of Subdistrict 2 or 3, in the event it occurs, to analyze for additional traffic growth in the area and other additional factors unknown at this time.

#### COMPREHENSIVE PLAN GENERAL STATEMENT

Based upon review of the City of El Paso Comprehensive Plan, the Future Land Use for this site is designated as G4, Suburban (Drivable). The proposed Supermarket will make use of an existing underutilized site to provide necessary goods to the surrounding community, allowing them to meet their nutritional needs without long car trips. Based upon this, and the proposed improvements associates with the development, the proposed development complies with goals of the current Comprehensive Plan. While the proposed development will facilitate automobile traffic, it also incorporates improvements to help provide pedestrian connectivity, including multiple access points to the facility by defined sidewalk areas throughout the site, enhanced landscaping utilizing xeriscape plantings and methods, and an outdoor seating area, allowing for interaction between the nearby residents, shoppers, and employees in the area. In addition, the development is compatible with the current bus transit system available in the area, as well as the future rapid transit system proposed.

## FENCING, SIGNAGE AND LIGHTING CRITERIA

### Fencing

The proposed development shall make use of fences in the form of walls along property lines adjacent to residentially zoned properties. The walls shall conform to a standard rock wall for the area, or be of a material approved by the City of El Paso. Rock utilized in the construction of the walls shall be quarry rock from local quarries. All walls shall have adequate foundations to maintain the stability of the wall for the duration of its life cycle. The rock used for rock walls shall be placed in mortar bedding, adequate to provide a solid wall without voids. Walls shall be capped with mortar to provide a finished top. All walls shall be uniform in construction and appearance.

Walls shall not be constructed at any location which would impede vehicular or pedestrian traffic through any open space, either public or private.

Retaining Walls shall be installed at the site as required based upon the site grades and elevation changes.

### Signage

The proposed development shall have a single monument sign, intended for placement on the south side of the development, along Montana Avenue. The proposed monument sign shall have the name of the development and shall have a maximum height of 10 feet, including its base. The actual sign face shall be limited to 80 square feet. The sign will be lighted, but shall not have excessive glare, and may make use of fully shielded light fixtures. Signage shall comply with Chapter 18.18 of the El Paso Municipal Code.

Signage on buildings shall comply with City of El Paso Municipal code Chapter 18.18, as well as all other requirements effecting signage in the Municipal Code.

In the event that Subdistricts 2 or 3 redevelop in the future, the monument sign in place can be modified, allowing for an additional 80 square feet of signage (160 square feet total) for use as a multi-tenant sign.

### Lighting

The proposed development shall utilize Parking lot lights as well as low pedestrian lighting fixtures, as needed, throughout the development for safety. Light fixtures shall be fully shielded and comply with the City of El Paso Municipal Code, Chapter 18.18.

## ATTACHMENT 6: SUPPORT LETTERS

Salloum, Andrew M.

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**From:** Hoffman, Alex P.  
**Sent:** Thursday, May 16, 2013 3:56 PM  
**To:** Salloum, Andrew M.  
**Subject:** Fwd: Wal-Mart on Chelsea

2 letters to add now.

Sent from my iPad

Begin forwarded message:

**From:** Risher Gilbert <[RGilbert@gilbertlf.com](mailto:RGilbert@gilbertlf.com)>  
**Date:** May 16, 2013, 15:50:28 MDT  
**To:** "Hoffman, Alex P." <[HoffmanAP@elpasotexas.gov](mailto:HoffmanAP@elpasotexas.gov)>  
**Subject:** Fwd: Wal-Mart on Chelsea

see a letter in support of the rezoning below

**From:** "GRD COMPANIES" <[grdcompanies@hotmail.com](mailto:grdcompanies@hotmail.com)>  
**Date:** May 16, 2013, 3:24:58 PM MDT  
**To:** "Rick Amstater" <[ramstater@rjlrealestate.com](mailto:ramstater@rjlrealestate.com)>  
**Subject:** Wal-Mart on Chelsea

Dear Rick,

As one of the largest property owners in the area directly across and next to the proposed Wal-Mart we have a vested interest in the success of the area. It is our opinion that the proposed Wal-Mart would be a blessing to the area and it has our full support. We have spent millions of dollars in the area in recent years and would love to see more investment in the area.

Best Regards,

George M Dipp  
VP Operations

Pasotex Investment Co.  
Oro Partners LTD.  
JC&GD Investment Co.  
George R Dipp Companies  
Core Acquisitions LLC

P.O. Box 1355 El Paso TX 79948

1

Phone (915) 858-3100  
Fax (915) 858-5353

**CONFIDENTIALITY STATEMENT**

All information contained in this facsimile message may be confidential or privileged and is intended only for the use of the individual or entity to whom it is addressed. Should the reader of this message not be the intended recipient, you are notified that any distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender by telephone or email. Thank you for your cooperation.

**NON-BINDING COMMUNICATION:** Unless expressly stated, nothing in this communication or any attachment to it constitutes a binding offer, acceptance, agreement, or legal commitment on behalf of any party. There are no oral agreements. The submission of this proposal for examination does not constitute an agreement of any kind until such agreements are resolved in writing and signed by all parties.

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## ATTACHMENT 7: OPPOSITION LETTERS

**Salloum, Andrew M.**

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**From:** ochdav6@aol.com  
**Sent:** Thursday, May 02, 2013 12:52 PM  
**To:** Rubio, Arturo; Salloum, Andrew M.; Gallinar, Carlos; Hoffman, Alex P.  
**Cc:** kiduhr@wal-mart.com; mloweree@foodcityep.com  
**Subject:** WalMart Re-zoning (Case Numbers PZRZ12-00044 and PZCR13-00004)

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To All Concerned:

On behalf the Austin Terrace Neighborhood Association this will serve serve as this organization's official request for the City Plan Commission to deny subject rezoning.

I am away on business today and regret not attending today's hearing. I have been in touch with countless neighbors and community activists who feel as we do and wish to appeal to your better judgment and sense of decency.

My fifty-plus neighbors and I are vehemently opposed to the re-zoning (Case Numbers PZRZ12-00044 and PZCR13-00004) by the property owners which will allow the construction of a WalMart Neighborhood Grocery store (Regional Commercial Center RCC).

Our neighborhood association was never polled or contacted regarding this re-zoning issue. I can assure you that if we had been notified in a timely and proper manner you would have heard from **hundreds more** residents in this neighborhood long before today. In fact the majority of neighbors I have spoken with since the April 18th public hearing are outraged that they have not even heard of this issue. I personally only found out about this through the new media and not through an official notification.

The City Engineering Department's efforts to assist the applicant by encouraging re-designing and re-submitting plans to fit the RCC into the properties is not the issue, although it is very concerning that the City would favor the applicant in this manner and ignore the citizen outcry.

What is at issue is the incompatibility of the RCC at that location. WalMart can find better locations that conform to there requirements along Montana Ave. corridor, quite possibly in the under-served Cotton Street area.

It is unfair and incomprehensible that City Planning would force residential property owners to accept a 24/7 operation of this magnitude along with the traffic problems and the degradation of the quality of life and public safety concerns that will follow.

Our neighborhood is plagued by infrastructure problems, high volumes of traffic, and serious public safety issues already. Lets move El Paso forward by addressing these issues and basic fundamentals first, then consider what the citizens want before forcing another pet project on the tax-payers!

Sincerely,

David Ochoa, Pres.

Austin Terrace Neighborhood Association

ochdav6@aol.com

**Salloum, Andrew M.**

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**From:** Hoffman, Alex P.  
**Sent:** Wednesday, May 01, 2013 8:53 AM  
**To:** Salloum, Andrew M.  
**Subject:** Fwd: Walmart Rezoning

---

Another one.

Sent from my iPad

Begin forwarded message:

**From:** "madhadd@aol.com" <madhadd@aol.com>  
**Date:** April 30, 2013, 20:55:13 MDT  
**To:** "klduhr@wal-mart.com" <klduhr@wal-mart.com>, "Hoffman, Alex P." <HoffmanAP@elpasotexas.gov>, "McElroy, Mathew" <McelroyMX@elpasotexas.gov>, "rardovino@elp.rr.com" <rardovino@elp.rr.com>, "Larrynance45@gmail.com" <Larrynance45@gmail.com>, "kkborden@gmail.com" <kkborden@gmail.com>, "Delacruzlu33@gmail.com" <Delacruzlu33@gmail.com>, "angelo@amoreappraisals.com" <angelo@amoreappraisals.com>, "gwright@wrightdalbin.com" <gwright@wrightdalbin.com>, "dschauer@utep.edu" <dschauer@utep.edu>, "greveles@gmail.com" <greveles@gmail.com>, "mcbrandrup@hotmail.com" <mcbrandrup@hotmail.com>  
**Subject:** Walmart Rezoning

To Whom It May Concern:

I am the President of the Radford Hills Neighborhood Association. We, as an association, are OPPOSED to the re-zoning (Case Numbers PZRZ12-00044 and PZCR13-00004) by the property owners which will allow the construction of a WalMart Neighborhood Grocery store (Regional Commercial Center RCC). Re-designing and re-designing to fit the RCC is not the issue. The incompatibility of the RCC at a bad location is the main issue.

It is unfair and incomprehensible that City Planning would force residential property owners to accept a 24 hour operations, traffic problems, and the destruction of the quality of life and safety that currently exists. Imagine what neighborhood conditions will be like if you live only 30 feet across from a 24 hour WalMart Neighborhood Grocery store.

Furthermore, WalMart with no new population growth in the area will put local businesses, such as JR's Produce, Albertsons, Food City, and several others out of business. It may bring 65 jobs to the area, but what about the 100+ that will be lost by Albertson's employees who are directly across the street? Out of a sense of decency, how can this even be an issue? It is bad enough that a beloved neighborhood vet is going to have to move across town.

Please, please consider the pleas of the people who live in this area. Would you want a 24 hour WalMart in your neighborhood?

1

Sincerely,

Madeleine Haddox  
President  
Radford Hills Neighborhood Association

**Salloum, Andrew M.**

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**From:** Hoffman, Alex P.  
**Sent:** Wednesday, May 01, 2013 1:01 PM  
**To:** Salloum, Andrew M.  
**Subject:** FW: Wal-Mart

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I don't know if this is really an opposition letter...but might as well include it.

Alex P. Hoffman, AICP, CNU-A  
Lead Planner, Zoning  
City Development Department  
City of El Paso  
(915) 541-4638

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**From:** TAM5111@aol.com [mailto:TAM5111@aol.com]  
**Sent:** Wednesday, May 01, 2013 10:24 AM  
**To:** klduhr@wal-mart.com  
**Cc:** Hoffman, Alex P.; unatj@att.net; tiabea22@gmail.com; Byrd, Susannah M.  
**Subject:** Wal-Mart

Kelli,

I live directly across the street from where you all plan to put the back of the Wal-Mart. You all are really shoving this thing down our throats. If I wanted to shop at Wal-Mart, I can very easily go to the one at Cielo Vista, I do go to Sams. I do not like the produce at your store, I do not like the meat and you all don't even have a fresh seafood section. I would continue to shop at Albertson's.

I don't need any additional traffic on my street. I live on the corner of Guido and Cardon. There has been quite a few traffic checks done and I have to tell you the last one that was done happened during a week the street was closed at times because the were redoing our sidewalks and laying new asphalt for the street, so you can't say there is not that much traffic. That was really ridiculous. My husband's truck had been hit by hit and run drivers twice.

I already hear the dumpster at several of the places around here being picked up at 4:00 am on Thursday and I don't want to here them coming from the back of your store.

Now let's get down to the nitty gritty. I would really have to ask how deep Wal-Mart's pockets are with our city government. From day one they have not been honest with the neighbors on Cardon and surrounding neighborhood regarding the property at 1039 Chelsa. We were never told who bought the property until it was all done. Vistacon was investigated, look into that. Then half the property was sold to Omega Paving and all they have done is dump dirt. We have been lied to since day one, and now you all come along. We don't want you here. Maybe the FBI needs to look into this transaction also. When our property values go down because of Wal-Mart, do our property taxes go down? I doubt it. I wouldn't be surprised if the city raises them.

Brother Welch is probably rolling over in his grave because of the way his children, Bill Welch, are going against his wished for the property.

I am a firm believer in what goes around, comes around and all the deceit and dishonesty regarding this property will come back to bite several people in the ass.

You're taking away the quality of life we have come to enjoy. Go away, we don't want you here.

Terry Ann Mollier

**Salloum, Andrew M.**

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**From:** Hoffman, Alex P.  
**Sent:** Tuesday, April 30, 2013 3:25 PM  
**To:** Salloum, Andrew M.  
**Subject:** FW: Against WalMart

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Another opposition letter. Can you please include?

Alex P. Hoffman, AICP, CNU-A  
Lead Planner, Zoning  
City Development Department  
City of El Paso  
(915) 541-4638

---

**From:** Haddox, Grace K. [<mailto:ghaddox@epcc.edu>]  
**Sent:** Tuesday, April 30, 2013 1:57 PM  
**To:** Hoffman, Alex P.  
**Subject:** Against WalMart

Dear Mr. Hoffman:

I am against the re-zoning (Case Numbers PZRZ12-00044 and PZCR13-00004) by the property owners which will allow the construction of a WalMart Neighborhood Grocery store (Regional Commercial Center RCC). Re-designing and re-designing to fit the RCC is not the issue. The incompatibility of the RCC at a bad location is the main issue.

It is unfair and incomprehensible that City Planning would force residential property owners to accept a 24/7 operations, traffic problems, and the destruction of the quality of life and safety that currently exists. Imagine what neighborhood conditions will be like if you live only 30 feet across from a 24/7 WalMart Neighborhood Grocery store.

Furthermore, WalMart, as usual, will put local businesses, such as JR's Produce, which is just blocks down Montana, out of business. It may bring 65 jobs to the area, but what about the 100+ that will be lost by Albertson's employees who are directly across the street? Out of a sense of decency, how can this even be an issue? It is bad enough that a beloved neighborhood vet is going to have to move across town.

Please, please consider the pleas of the people who live in this area. Would you want a 24 hour WalMart in your neighborhood?

Sincerely,

Grace K. Haddox

812 Regan Dr.

**Salloum, Andrew M.**

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**From:** Hoffman, Alex P.  
**Sent:** Tuesday, April 30, 2013 4:46 PM  
**To:** Salloum, Andrew M.  
**Subject:** FW: Proposed WalMart-- Re-zoning Case#'s PZRZ12-00044&PZCR13-00004

3<sup>rd</sup> one for the day.

Alex P. Hoffman, AICP, CNU-A  
Lead Planner, Zoning  
City Development Department  
City of El Paso  
(915) 541-4638

**From:** [unaji@att.net](mailto:unaji@att.net) [<mailto:unaji@att.net>]  
**Sent:** Tuesday, April 30, 2013 4:33 PM  
**To:** McElroy, Mathew; [rardovino@elp.rr.com](mailto:rardovino@elp.rr.com); [larrynance45@gmail.com](mailto:larrynance45@gmail.com); [kkborden@gmail.com](mailto:kkborden@gmail.com); [delacruzluiss@gmail.com](mailto:delacruzluiss@gmail.com); [angelo@amoreappraisals.com](mailto:angelo@amoreappraisals.com); [gwright@wrightdalbin.com](mailto:gwright@wrightdalbin.com); [dschauer@utep.edu](mailto:dschauer@utep.edu); [greveles@gmail.com](mailto:greveles@gmail.com); [mcbbrandrup@hotmail.com](mailto:mcbbrandrup@hotmail.com); Hoffman, Alex P.  
**Cc:** Beatriz Baeza; Madeline Haddox; David Ochoa  
**Subject:** Proposed WalMart-- Re-zoning Case#'s PZRZ12-00044&PZCR13-00004

Hello

I am against the re-zoning (Case Numbers PZRZ12-00044 and PZCR13-00004) by the property owners which will allow the construction of a WalMart Neighborhood Grocery store (Regional Commercial Center RCC).

Re-designing and re-designing to fit the RCC into the properties is not the issue. The incompatibility of the RCC at that location is the main issue. I am sure that WalMart can find better locations that conform to there requirements along Montana Ave. It is unfair and incomprehensible that City Planning would force residential property owners to accept a 24/7 operations, traffic problems, and the destruction of the quality of life and safety that currently exists.

Imagine what neighborhood conditions will be like if you live only 30 feet across from a 24/7 WalMart Neighborhood Grocery store.

Mr. JJimenez  
1206 Wagner Ln

**Salloum, Andrew M.**

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**From:** Hoffman, Alex P.  
**Sent:** Monday, April 29, 2013 5:35 PM  
**To:** Salloum, Andrew M.  
**Subject:** FW: Wal-mart

---

Can you include this as an additional opposition letter to the Wal-Mart rezoning?

Alex P. Hoffman, AICP, CNU-A  
Lead Planner, Zoning  
City Development Department  
City of El Paso  
(915) 541-4638

-----Original Message-----

**From:** Jeff [<mailto:mckil5@aol.com>]  
**Sent:** Monday, April 29, 2013 5:33 PM  
**To:** Hoffman, Alex P.  
**Subject:** Wal-mart

Sir,

I ask you to reconsider your approval of a Walmart on Chelsea and Trowbridge. This operation will destroy the fabric of this fine neighborhood. There is already a traffic problem and this store will just exacerbate the problem. Also having a 24 hour operation is not conducive to being in a neighborhood. All other Walmart's in the city are not located in a neighborhood like you are now proposing. We also have a grocery store here. Make them find a lot that is zoned for this type of business. Do not change the zoning.

Thank you

Jeff  
Sent from space

**Salloum, Andrew M.**

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**From:** Hoffman, Alex P.  
**Sent:** Monday, April 22, 2013 9:00 AM  
**To:** Salloum, Andrew M.  
**Subject:** FW: opposed to Wal Mart application for zoning condition release

Can you include this opposition letter in the staff report? I also have received an additional opposition phone call.

Alex P. Hoffman, AICP, CNU-A  
Lead Planner, Zoning  
City Development Department  
City of El Paso  
(915) 541-4638

**From:** Leticia Chavez [mailto:[leti.h.chavez@gmail.com](mailto:leti.h.chavez@gmail.com)]  
**Sent:** Thursday, April 18, 2013 9:42 PM  
**To:** Hoffman, Alex P.  
**Subject:** opposed to Wal Mart application for zoning condition release

I was unable to attend the CPC meeting this afternoon but want to make my opinion heard. I live in the cielo vista area west of Hawkins and regularly do business in the Chelmont area. Chico's tacos is an El Paso icon at that location and I am saddened that they conceded to Wal Mart. We often eat at Luby's, buy groceries at Albertson's or Jr's produce (a block west), and shop at Walgreens and the adjacent strip malls. There is already a traffic situation in the Chelsea/Montana area and I can't imagine how those streets would support neighborhood wal mart traffic generated and particularly, to ensure the safety of high pedestrian traffic. Having the tractor trailers making deliveries in and out of that small area is unthinkable. Let alone the trash that will be created in Wal Mart's parking lot!

Good luck to those residences on Cardon St. that did not respond to object -- Actually, I have a feeling that those residents didn't really understand the letter sent to them and what the future implications of allowing this would be. Furthermore, a "Neighborhood Wal Mart" is inconsistent with the character of the neighborhood and business area. They claim 65 jobs will be created, but I fear that most of these will be jobs lost from the neighboring businesses that will be impacted! Is this wal mart what the City touts as "smart growth?" Surely we can get more creative.

Lastly, in case you missed this article last Dec Wal Mart is not the most respectable corporate citizen.  
[http://www.elpasoinc.com/news/wire/article\\_d1117bb2-4d22-11e2-a098-0019bb30f31a.html](http://www.elpasoinc.com/news/wire/article_d1117bb2-4d22-11e2-a098-0019bb30f31a.html)

Thank you for your consideration,  
Leticia H. Chavez  
8305 Parade Ln.  
El Paso, Texas 79925  
915-778-4555

April 18, 2013

City Plan Commission  
c/o Planning Division  
2<sup>nd</sup> Floor  
222 S. Campbell Street  
El Paso, TX 79901

Re: Case NO. PZRZ12-00044 and PZCR13-00004

Dear sirs:

My name is Rita N. Villanueva. My husband Pablo and I have resided at 5107 Guido Lane in El Paso, Texas 79903 for over twenty-five years. In this time we have watched our quiet and comfortable neighborhood of mostly retired citizens gradually eaten away by commercialism (i.e., Pizza Hut, The Tot Shop, Walgreen's, Luby's, Chelmont Point Shopping Center on Montana Street, Chepe's Tamales on Trowbridge, Blockbuster on Montana adjacent to a small shopping center on Chelsea, and right across the street is Chelmont Park Shopping Center and next door is the Chelmont Shopping Center which was the only shopping center that we had for many years.

Now you are proposing to change the zoning to P-C (Planned Commercial) to build a supermarket. Why do we need another supermarket when we already have a beautiful Albertson's supermarket across from Chico's Tacos that serves our area? Another supermarket would adversely affect our neighborhood by causing a myriad of problems on its residents. Most profound of these problems imposed on citizens (retired and/or infirmed) is the difficult task of relocating from their residences of many years and try to replace these homes in these hard economic times just to make way for a supermarket that is not needed.

Further, we would highlight the current traffic congestion would grow progressively worse with another supermarket causing insurmountable stress (financial and otherwise) on all citizens involved.

Changing the zoning status in any aspect concerning Chico's Tacos is not acceptable.

The focus should be centered on what is best for the citizens of our neighborhood.

We strongly oppose these proposals.

Respectfully submitted,



Rita N. Villanueva



Pablo Villanueva

May 16, 2013

Dear El Paso City Plan Commission,

My name is Mrs. Baeza and I am a homeowner on Cardon Street. We bought our home with the intent to raise our family here. If the Walmart had been in place at the time of our purchase we would NOT have given it a second glance. I am speaking to you on behalf of our family and other nearby residents.

Since approximately 2006, we as a neighborhood have been fighting against ANY type of intrusive commercial activity directly in front of our homes that would, in effect, compromise our safety, jeopardize our financial state, and rob us of our tranquility and privacy.

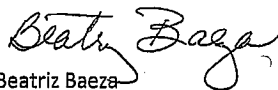
I've heard this board and City Council in times past declare, "We can all agree that a car lot or a semi truck type of business would be completely inappropriate for this site. How is a busy, pigeon home parking lot or a 24 hour delivery site for semi's and diesel trucks any different or better? They are in essence worse. Are not the zoning codes in place to protect people and businesses-- That everyone stays in appropriate places for the good of the community?

Be wise and take caution with words like "serve the community" and "meeting the needs of people" to JUSTIFY the harming of the fewer for the "good" of many. We are not talking about providing a necessity for existence like clean water. We're talking about a convenience. Regarding Walmart's 400+ signatures in favor, if they were polled to put it directly in front of their homes for their convenience, undoubtedly those numbers in favor would drop drastically.

It is said, "A fool tries to adjust the truth so he does not have to adjust to it" --Henry Cloud. The truth is that no amount of walls, trees, sidewalks, watercolors or manipulating of the zoning name to PC, GMU or any other name is going to change the fact that a Walmart grocery store is a C-3, C-4 type of business that doesn't belong 30 feet in front of people's homes.

I implore you to show that citizens do matter. If you would not welcome this type of commercial activity directly in front of or near your home and family, that you will protect our homes and families by denying their request to rezone, solely because that type of business would not only be incompatible, but also detrimental to the safety and quality of life of our neighborhood.

Sincerely,



Beatriz Baeza